

ORIGINAL RECEIVED
FILE SEP - 9 1991

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In re Applications of)	MM Docket No. 91-10
)	
Charley Cecil & Dianna Mae White)	
d/b/a WHITE BROADCASTING PARTNERSHIP)	File No. BPH-891213MM
<u>et al.</u>)	
)	
NORTHEAST FLORIDA BROADCASTING CORP.)	File No. BPH-891214NA
)	
For Construction Permit to Build)	
a New FM Station on Channel 289A)	
in Baldwin, Florida)	

To: The Honorable Edward Luton
Administrative Law Judge

**MOTION TO REOPEN THE RECORD AND FOR
ADMISSION OF SUPPLEMENTAL HEARING EXHIBIT**

Northeast Florida Broadcasting Corporation ("Northeast"), by its attorneys, hereby moves to reopen the record and moves for the admission of Northeast Exhibit 4, as supplemented herein. In support of its Motion, Northeast submits the following:

1. At the hearing session in this proceeding on August 21, 1991, Northeast offered a document marked at that time as Northeast Florida Exhibit 4. Tr. 262. The Exhibit 4, as marked, consisted of three maps and a declaration signed by Clyde E. Gurley. Id. An objection was lodged against the admission of Exhibit 4 at the hearing by Peaches Broadcasting, Ltd. ("Peaches"). Tr. 292-94. Subsequently, after consultation between counsel for Northeast and Peaches off the record, Peaches withdrew its principal objection to admission of Exhibit 4, subject to the stipulation between counsel that Northeast would supplement Exhibit 4 with a statement

from Mr. Gurley as to the distances of Ms. Lillian Holt's various residences from the 60 dBu contour. Tr. 301.

Northeast hereby moves for the admission of Exhibit 4, as supplemented with the attached September 6, 1991 "Supplement to Declaration" of Mr. Gurley.

Respectfully Submitted,

NORTHEAST FLORIDA BROADCASTING CORP.

By: 

James L. Winston
Desmond P. Brown
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Its Attorneys

Dated: September 9, 1991

**NORTHEAST FLORIDA
EXHIBIT NO. 4**

REFUGE

OKFENNOKEE NATIONAL
WILDLIFE REFUGE

315°

270°

60 dBu

28

30°15'

225°

EXHIBIT 5A₁

**NORTHEAST FLORIDA BROADCASTING CORP.
PROPOSAL TO CONSTRUCT A NEW FM STATION
IN BALDWIN, FLORIDA**

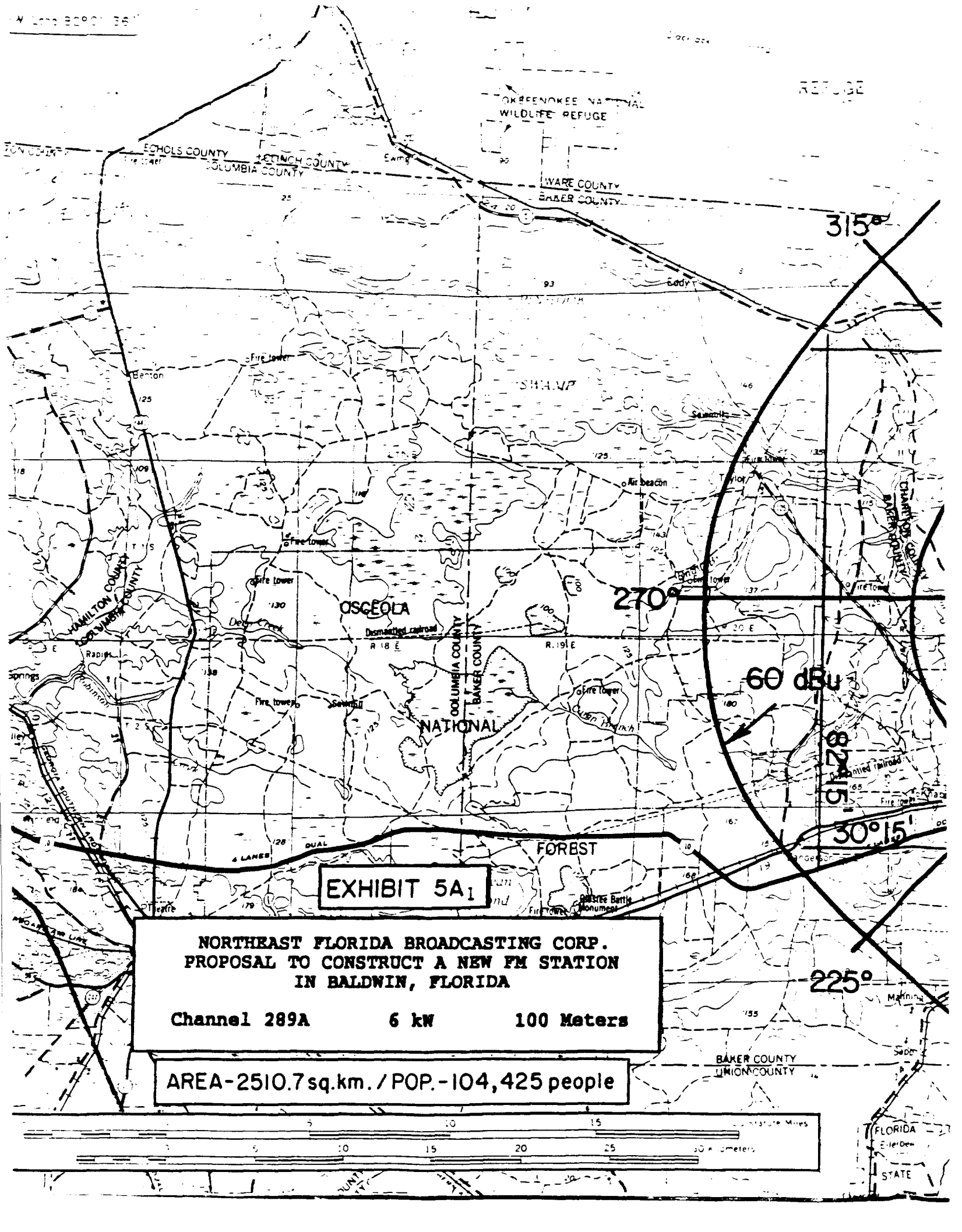
Channel 289A 6 kW 100 Meters

AREA-2510.7 sq.km. / POP.-104,425 people

0 5 10 15 20 25 30 Miles

0 5 10 15 20 25 30 Kilometers

FLORIDA
Baldwin
STATE



AMENDED TO SHOW RESIDENTIAL SITES
AUGUST 19, 1991

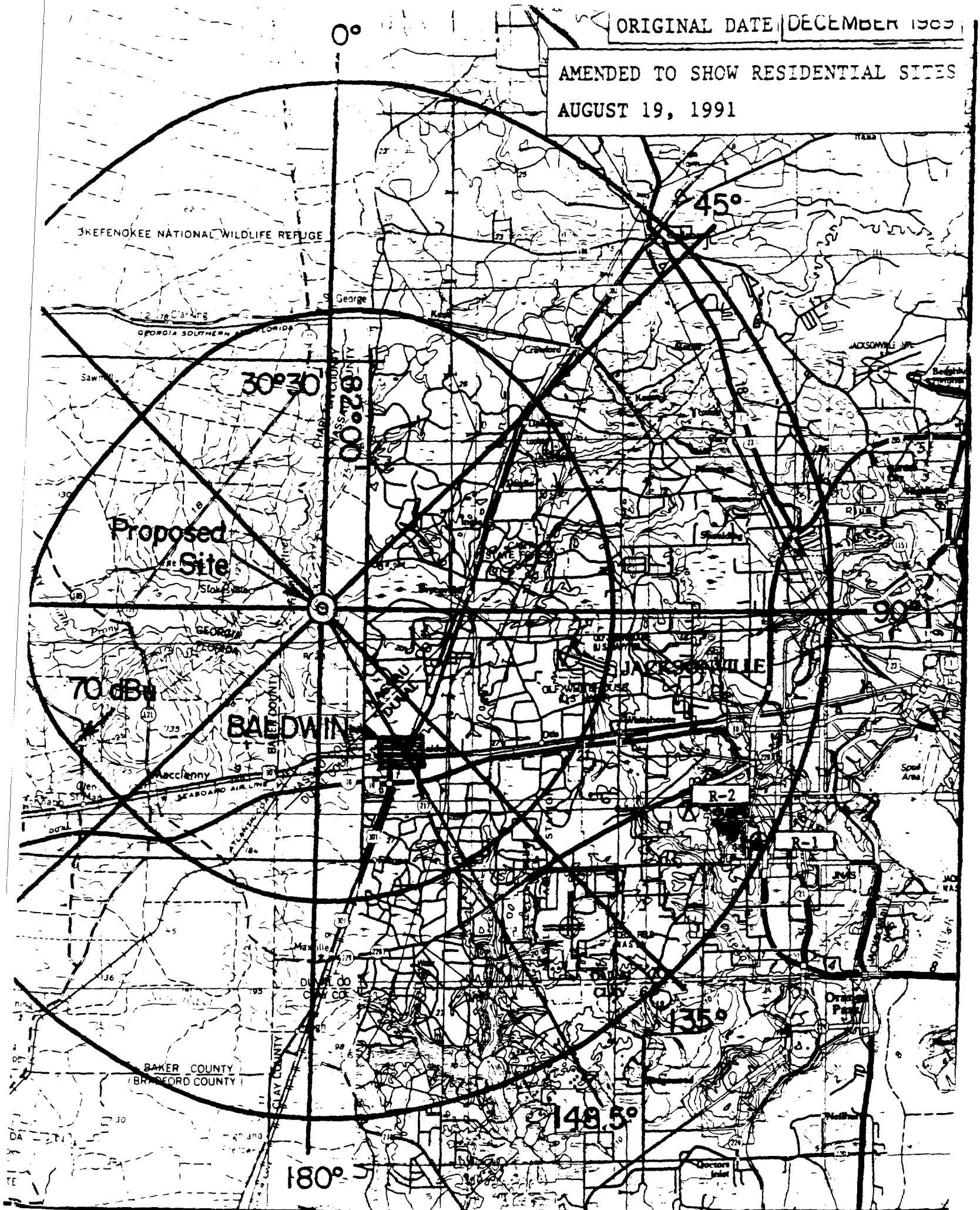


EXHIBIT 5A₂

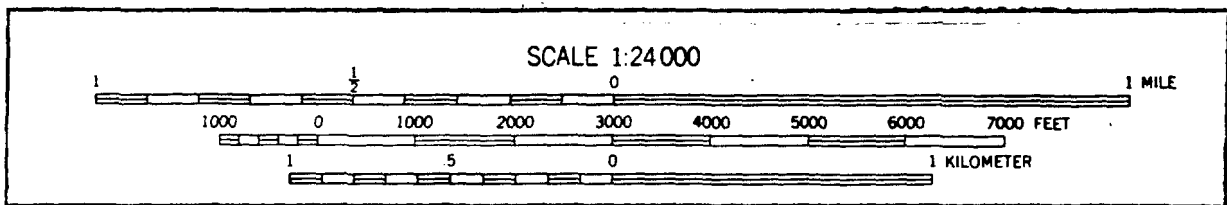
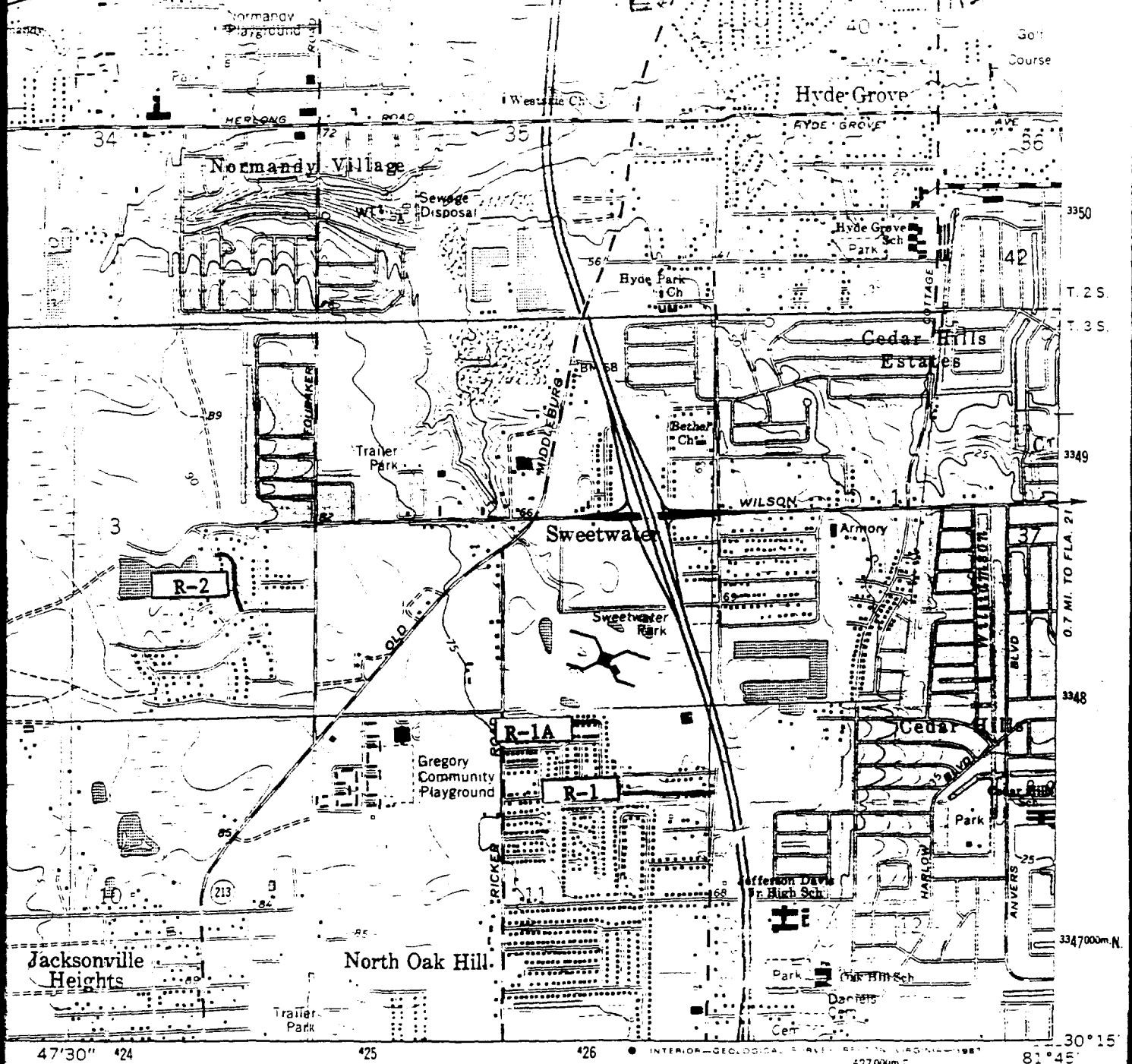
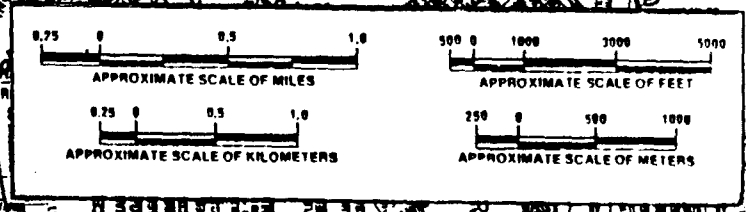
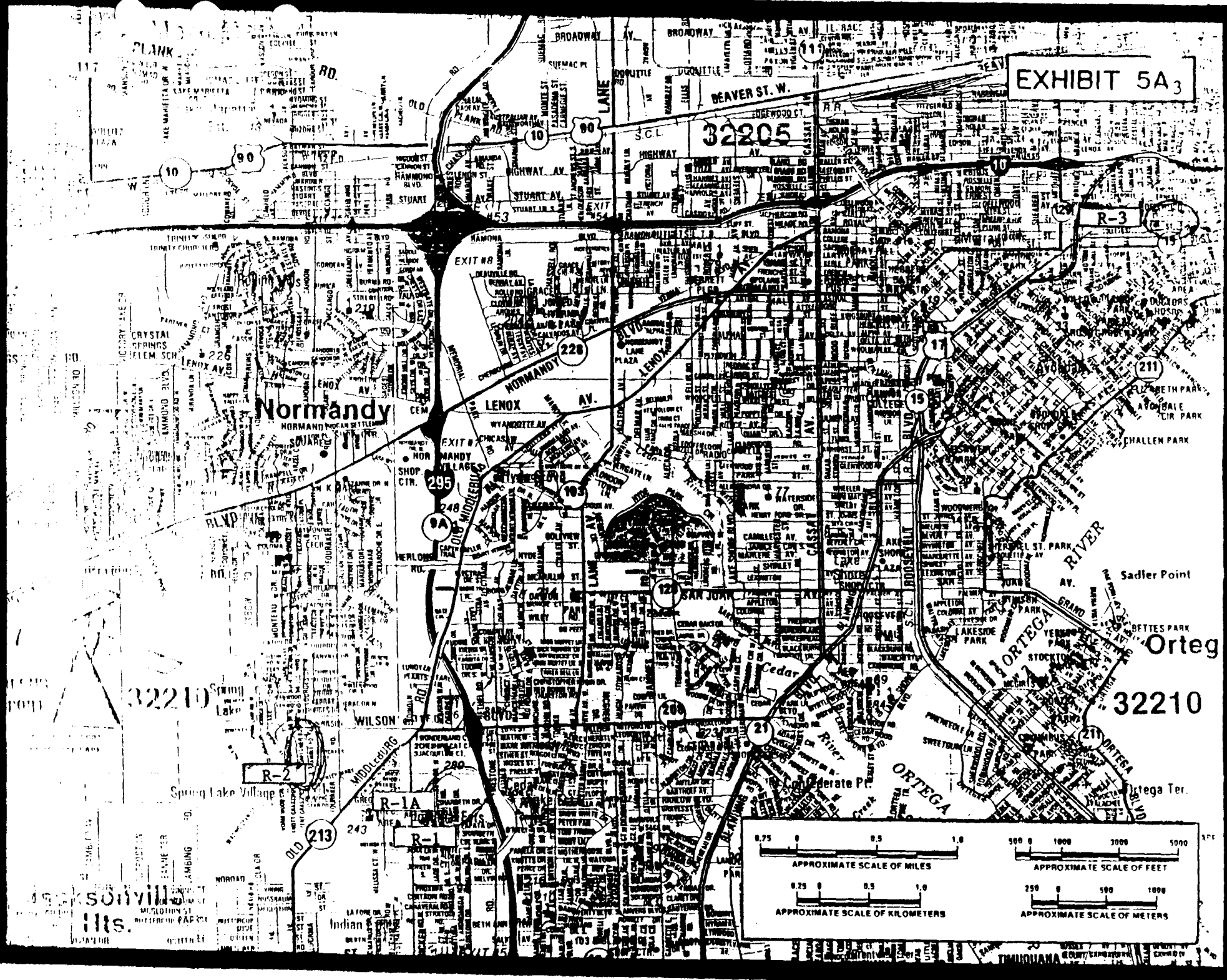


EXHIBIT 5A₃



DECLARATION

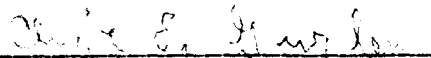
I, Clyde E. Gurley, hereby depose and declare under penalty of perjury that the following is true and correct:

I am an engineer and I have been retained by Northeast Florida Broadcasting Corp. ("Northeast Florida") as its Telecommunications Consultant. My qualifications are a matter of record with the Federal Communications Commission.

I have been asked to prepare a map that shows the locations of Ms. Lillian Holt's residences in relation to the projected signal strength contours of the facility that is proposed by Northeast Florida.

I did this by first transferring the locations of Ms. Holt's residences from a map of Metropolitan Jacksonville and Duval County, Florida, see Exhibit 5A3, to a standard geographical map. See Exhibit 5A2. I then transferred location of the residential sites to a map showing the projected 70 dBu and 60 dBu contours of the proposed facility relative to these locations. See Exhibit 5A1.

The map that I have prepared shows that Ms. Holt's residences at both 7235 Sharbeth Drive South and 3716 Bramble Road are within the projected 60 dBu signal contour for the facility. However, her current residence at 2567 College Street is outside of the projected contours.


Clyde E. Gurley

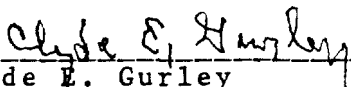
Dated: August 20, 1991

SUPPLEMENT TO DECLARATION

Subject: Declaration, dated August
20, 1991, filed with the
Federal Communications
Commission (FCC) on behalf
of Northeast Florida
Broadcasting, Corp.
(Northeast Florida)

Associated with subject Declaration is a map that shows the locations of Ms. Lillian Holt's residences in relation to the projected signal strength contours of the facility that is proposed by Northeast Florida. Subsequent to the filing of these documents, I have been asked to determine distances from these residences to the projected 1.0 mV/m field intensity contour.

The map that was previously submitted with the original Declaration (Exhibit 5A1) shows that Ms. Holt's residences at 7235 Sharbeth Drive South and 3716 Bramble Road are within the projected 60 dBu (1.0 mV/m) signal contour. It also shows that the residences are approximately 0.40 km (0.25 miles) and 2.41 km (1.5 miles), respectively, from the 1.0 mV/m contour on a line from the proposed antenna site through the geometric center of the streets of residence. The entire street in both cases appears to be within the 1.0 mV/m contour. The distances from Exhibit 5A1 were verified by transferring the 1.0 mV/m contour from that exhibit in the region of interest to a 7.5 minute topographical map and redetermining distances. Determinations of distances from both maps are in reasonable agreement. However, Ms. Holt's residence at 2567 College Street is outside of the projected contour by approximately 3.78 km (2.35 miles) on a line from proposed antenna site through center of street of current residence.


Clyde E. Gurley

Dated: September 6, 1991

CERTIFICATE OF SERVICE

I, Kathy Nickens, a secretary in the law firm of Rubin, Winston, Diercks & Harris, hereby certify that a copy of the attached **MOTION TO REOPEN THE RECORD AND FOR ADMISSION OF SUPPLEMENTAL HEARING EXHIBIT** was served this 9th day of September 1991, to the following persons by first class mail, postage prepaid:

Honorable Edward Luton
Administrative Law Judge
Federal Communications
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2000 L Street, N.W.
Room 225
Washington, D.C. 20554

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Chief, Hearing Branch
Federal Communications
Commission
Mass Media Bureau
2025 M Street, N.W.,
Room 7212
Washington, D.C. 20554

Chief, Data Management Staff
Federal Communications
Commission
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Kathy Nickens